UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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UNITED STATES OF AMERICA, Plaintiff, v. **Huber MARROQUIN-Jimenez,** Defendant	Magistrate Docket No. '08 MJ 2246 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **July 22, 2008** within the Southern District of California, defendant, **Huber MARROQUIN-Jimenez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **24th** DAY OF **JULY, 2008**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

FAS

CONTINUATION OF COMPLAINT:
Huber MARROQUIN-Jimenez

PROBABLE CAUSE STATEMENT

On Tuesday, July 22, 2008, at approximately 8:50 p.m., Border Patrol Agent J. Wemhoener-Cuite was performing his assigned duties near Campo, California. At approximately 8:55 p.m., Agent Wemhoener received a citizen call, via Agency radio, regarding suspected illegal aliens running through his property. This area is approximately seven miles east of the Tecate, California Port of Entry and approximately 500 yards north of the United States / Mexico International Border.

Upon Agent Wemhoener-Cuite's arrival he found several sets of footprints leading north toward State Route 94. Agent Wemhoener-Cuite followed the footprints until he found approximately twelve individuals attempting to hide in the brush. Agent Wemhoener-Cuite identified himself as a United States Border Patrol Agent and questioned all twelve individuals, including one later identified as the defendant **Huber MARROQUIN-Jimenez** regarding their citizenship and nationality. All twelve individuals, including MARROQUIN, freely stated that they were citizens and nationals of Mexico without any immigration documents allowing them to enter or remain in the United States legally. All twelve were placed under arrest and transported to the Tecate Processing Center in Tecate, California.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 31, 2007** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.